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Columbus, Ohio 43215

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January 10, 2014

Via Email and Certified Mail Return Receipt Requested

Ms. Sherry Estes C-14J U.S. EPA, Region 5 77 West Jackson Boulevard Chicago, IL 60604-3507

Re: Skinner Landfill/U.S. EPA Oversight Cost Bill

Dear Sherry:

This follows up on my previous communications with you indicating that the Skinner Landfill Site Work Group (the "Work Group") intended to dispute U.S. EPA's most recent oversight cost bill, which I received on November 18, 2013. A copy of the oversight bill is attached as Exhibit A.

The Work Group contests these response costs because, among other reasons, there is not adequate information to allow it to determine if an accounting error has been made and if the costs are consistent with the National Contingency Plan. Among the entries for which the Work Group specifically seeks more detailed are the following: 1) the timekeeper entries for Sheila Barnes, Linda Haile, Rebecca Frey, Patricia Jefferies Sharwell, Ida Levin, Susan Pastor, Alida Roberman, and Joan Tanaka; 2) the Primus Solutions charge of \$1,553.60 for technical support; and 3) the "other" direct cost charge of \$1,117.93. The Work Group reserves the right to seek additional details for timekeepers and other entries not specifically identified here upon review of the additional detail for the specific items identified above. Finally, the bill contains numerous charges for U.S. EPA fiscal year 2012.

The Work Group is specifically invoking the dispute resolution provisions of Section XXV of the consent decree in this matter. Pursuant to our discussions it is the intent of the Work Group and the U.S. EPA to attempt to informally resolve this matter through good faith negotiations. I am requesting that U.S. EPA agree to extend the period for good faith negotiations from 20 days to 35 days pursuant to paragraph 101 of the consent decree.

Ms. Sherry Estes January 10, 2014 Page 2

Attached as Exhibit B is evidence that the Work Group has established an interest bearing escrow account for the total amount of the oversight costs with Waterford Bank, N.A. in Toledo, Ohio. Due to its multiple questions regarding the oversight costs, the Work Group could not determine if there is an amount that is uncontested. Should we be able to determine that in the interim through our discussions the Work Group will pay any uncontested amount.

Please let me know if U.S. EPA will agree to extend the period for informal, good faith negotiations.

Very truly yours,

Michael J. O'Callaghan

MJO/nmr

Enclosures

cc:

Chief, Environmental Enforcement Section

Environment and Natural Resources Division

U.S. Department of Justice

P.O. Box 7611

Ben Franklin Station

Washington, D.C. 20044

Re: DJ # 90-11-3-1620

Chief, Environmental Defense Section U.S. Department of Justice

Environment and Natural Resources Division

P.O. Box 23986

Washington, D.C. 20026-3986

Re: DJ # 90-11-6-128

William E. Muno or Sucessor Director, Superfund Division United States Environmental Protection Agency Region V 77 W. Jackson Chicago, IL 60604

Scott Hanson EPA Project Coordinator United States Environmental Protection Agency Region V, C-14J 77 W. Jackson Blvd. Chicago, IL 60604

EXHIBIT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

NOV 1 3 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

7001-0320-0000-7664-3047

Michael J. O'Callaghan, Esquire Shumaker, Loop & Kendrick, LLP 41 South High Street, Suite 2400 Columbus, Ohio 43215

RE: Skinner Landfill, OH Site No. 0573

Shumako i. - p & Kendrick, LLP Columbus, Ohio
DATE: 11/18/3
FILE: \$04695.67/485

ROUTE:

Dear Mr. Callaghan:

The enclosed billing is for the recovery of costs incurred by the U.S. Environmental Protection Agency (EPA) for oversight activity performed under the authority of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) as amended for the period 08/01/12 through 07/31/13. These costs were incurred for the Skinner Landfill. EPA is due \$31,425.84. Please note that you may receive a supplemental billing for this period for contractor charges and Department of Justice costs not yet processed. This bill is solely for recovery of government oversight costs and any fines and/or penalties due will be billed separately.

This billing invoice is being forwarded to you for payment based upon the Consent Decree, C-1-00-424. Please make your check payable to EPA Hazardous Substance Superfund and forward your payment to the following:

US Environmental Protection Agency Superfund Payments Cincinnati Finance Center P.O. Box 979076 St. Louis, MO 63197-9000

To avoid additional charges, payment must be received at the EPA P.O. Box within 60 days after receipt of this bill. If payment is not received within that time frame, interest

will accrue from the date at the rate of 0.81% per annum. If there are any questions regarding the legality of this bill, please contact U.S. EPA's Associate Regional Counsel, Sherry Estes, at (312) 886-7164 or mail comments to the following address:

U.S. Environmental Protection Agency ATTN: Sherry Estes 77 West Jackson Boulevard C-14J Chicago, Illinois 60604

If there are any other questions regarding this bill, please contact U.S. EPA's Remedial Project Manager, Scott Hansen, at (312) 886-1999 or mail comments to the following address:

U.S. Environmental Protection Agency ATTN: Scott Hansen 77 West Jackson Boulevard SR-6J Chicago, Illinois 60604

To ensure that your payment is properly recorded by EPA the following information must be included on the face of your payment check:

Skinner Landfill, OH Site No. 0573 Account No. (2751426S0013)

You should also send notice that payment has been made to the EPA addressees above.

Thank you for your cooperation.

Sincerely yours,

Ríchard D. Hackley, Chief $\,^{\it b}$

Program Accounting & Analysis Section

Enclosures

cc: Sherry Estes, C-14J Scott Hansen, SR-6J

Lori Weidner, Accountant, US EPA – Cincinnati Finance Center

Itemized Cost Summary

REGIONAL PAYROLL COSTS	\$17,462.82
OHIO E.P.A. (V98568704)	\$983.04
TECHNICAL SERVICE AND SUPPORT PRIMUS SOLUTIONS, INC. (EPW11024)	\$1,553.60
MISCELLANEOUS COSTS (MIS)	\$92.50
EPA INDIRECT COSTS	\$11,333.88
Total Site Costs:	\$31,425.84

Regional Payroll Costs

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Hours</u>	Payroll Costs
BARNES, SHEILA	2012	23	3.00	147.92
FINANCIAL SPECIALIST		24	1.00	49.29
		25	0.50	24.65
		26	4.25	209.53
		27	1.50	74.05
	2013	01	0.50	24.61
		02	2.00	98.59
		03	4.00	197.21
		04	0.50	24.63
		05	0.25	12.32
		12	0.50	24.69
		-	18.00	\$887.49
ESTES, SHERRY	2012	22	1.50	127.58
GENERAL ATTORNEY		23	1.75	148.85
		24	3.50	297.71
		25	2.50	212.63
		26	2.00	170.12
		27	0.75	63.48
	2013	01	2.00	170.90
		02	3.50	297.70
		03	0.50	42.52
		04	5.50	448.32
		05	1.25	101.70
		06	0.25	20.33
		80	0.50	42.59
		09	0.50	42.65
		11	2.75	234.52
		12	0.25	21.32
		15	0.25	21.85
		16	1.50	131.09
		18	0.25	21.44
		19	0.25	21.04
			31.25	\$2,638.34
FREY, REBECCA	2012	22	1.75	140.61
ENVIRONMENTAL ENGINEER		26	7.50	602.59
	2013	01	0.25	19.75

Regional Payroll Costs

Employee Name		Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Hours</u>	Payroll <u>Costs</u>
FREY, REBECCA		2013	06	0.50	38.26
			-	10.00	\$801.21
HAILE, LINDA		2013	02	0.75	48.53
LEAD ACCOUNTANT			03	0.25	16.18
			04	0.50	32.34
				1.50	\$97.05
HANSEN, SCOTT		2012	22	16.50	1,143.63
ENGINEER			23	10.25	715.35
			24	4.00	277.24
			25	4.00	277.24
			26	10.75	745.09
			27	1.00	71.00
		2013	01	1.50	106.75
			02	4.00	284.39
			03	8.00	568.76
			04	2.50	177.74
			05	1.50	106.65
			06	7.50	533.22
	•		07	4.00	284.38
			80	3.00	213.29
			09	6.25	445.16
			10	1.50	106.84
			11	1.50	106.84
			12	0.50	35.61
			13	0.50	35.61
			14	1.00	71.23
			16	3.75	262.21
			17	1.50	106.84
				95.00	\$6,675.07
JEFFRIESHARWELL, PATRICIA SECRETARY (TYPING)		2013	06	1.00	36.86
			_	1.00	\$36.86
LEVIN, IDA		2012	24	34.00	2,530.79

Regional Payroll Costs SKINNER LANDFILL, OH, OH SITE ID = 05 73

COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll <u>Hours</u>	Payroll <u>Costs</u>
CHEMIST	2013	09	9.00	671.82
			43.00	\$3,202.61
PASTOR, SUSAN	2012	25	3.00	218.12
PUBLIC AFFAIRS SPECIALIST		26	2.00	145.41
	2013	02	1.00	72.71
		•	6.00	\$436.24
RATLIFF, DENISE ENVIRONMENTAL SPECIALIST	2012	25	1.00	55.94
		-	1.00	\$55.94
ROBERMAN, ALIDA	2013	02	2.00	138.35
Chemist		11	13.00	901.01
		16	21.00	1,428.92
		-	36.00	\$2,468.28
TANAKA, JOAN ENVIRONMENTAL ENGINEER	2012	26	1.50	134.05
		-	1.50	\$134.05
WALTERS, LAVETTA	2012	26	0.25	14.85
ENVIRONMENTAL PROTECTION ASSISTANT	2013	04	0.25	14.83
		-	0.50	\$29.68
Total Regional Payroll Costs		-	244.75	\$17,462.82

Contract Costs

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

SUPERFUND COOPERATIVE AGREEMENT (SCA)

State Agency:

OHIO E.P.A.

SCA Number:

V98568704

Project Officer(s):

Glynis Landers

Dates of Service:

From:

To:

Summary of Service:

Total Costs:

\$983.04

Drawdown	Drawdown	Drawdown	Treasury Schedule		Site
Number	Date	Amount	Number and	Date	Amount
311334820C	08/16/2012	9,813.40	22293997341	08/16/2012	313.85
311334820C	09/03/2012	10,596.79	22473997341	09/03/2012	369.29
311334820C	09/26/2012	10,056.79	22703997341	09/26/2012	95.14
311334820C	09/27/2012	10,804.03	22713997341	09/27/2012	34.20
311334820C	11/30/2012	8,885.95	33353997341	11/30/2012	160.27
311334820C	07/03/2013	7,158.68	31843997341	07/03/2013	10.29
				Total:	\$983.04

Report Date: 11/12/2013

Contract Costs

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

TECHNICAL SERVICE AND SUPPORT

Contractor Name:

PRIMUS SOLUTIONS, INC.

EPA Contract Number:

EPW11024

Delivery Order Information

<u>DO#</u>

19

Start Date

End Date

07/30/2012

05/26/2013

Project Officer(s):

CALVIN, LYNN

RZEZNIK, ANNA

Dates of Service:

From:

To:

Summary of Service:

TECHNICAL SERVICES AND SUPPORT

Total Costs:

\$1,553.60

Voucher	Voucher	Voucher	Treası	ıry Schedule	Site	
Number	Date	Amount	Number	and Date	Amount	
427993	09/17/2012	80,292.33	AVC120200	09/28/2012	305.45	
436363	10/16/2012	89,186.90	AVC130048	11/15/2012	661.61	
1	11/15/2012	66,750.76	AVC130067	12/07/2012	355.98	
7	05/13/2013	77,502.73	AVC130200	06/12/2013	57.64	
8	06/03/2013	77,982.22	AVC130202	06/14/2013	172.92	
				Total:	\$1,553.60	

Report Date: 11/12/2013

Miscellaneous (MIS) Costs

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

Miscellaneous (MIS) Costs

Total Costs:

\$92.50

Procurement Number	Voucher <u>Number</u>	Voucher Date	Voucher Amount	Treasury S Number a	Schedule nd Date	Site Amount	Description
BANKCARD			<u>-</u>				
B3BK0001065	1446064	10/18/2012	35,667.17	AVC130040	11/05/2012	92.50	COX*OHIO PUBLISHING
	ndor Total:		_	\$92.50			
	Total Miscellaned		\$92.50				

Report Date: 11/12/2013

EPA Indirect Costs

<u>Fiscal Year</u>	Direct Costs	Indirect Rate(%)	Indirect Costs
2012	9,715.65	56.41%	5,480.61
2013	10,376.31	56.41%	5,853.27
	20,091.96		
Total EPA Indirect Costs			\$11,333.88

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

Employee Name	Fiscal Year_	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
BARNES, SHEILA	2012	23	147.92	56.41%	83.44
DARTIES, STILLEA	2012	24	49.29	56.41%	27.80
		25	24.65	56.41%	13.91
		26	209.53	56.41%	118.20
		27	74.05	56.41%	41.77
			505.44		\$285.12
			000.44		Ψ200.12
ESTES, SHERRY	2012	22	127.58	56.41%	71.97
		23	148.85	56.41%	83.97
		24	297.71	56.41%	167.94
		25	212.63	56.41%	119.94
		26	170.12	56.41%	95.96
		27	63.48	56.41%	35.81
			1,020.37		\$575.59
	2242		140.04	50.440/	70.00
FREY, REBECCA	2012	22	140.61	56.41%	79.32
		26	602.59	56.41%	339.92
			743.20		\$419.24
HANSEN, SCOTT	2012	22	1,143.63	56.41%	645.12
		23	715.35	56.41%	403.53
		24	277.24	56.41%	156.39
		25	277.24	56.41%	156.39
		26	745.09	56.41%	420.31
		27	71.00	56.41%	40.05
			3,229.55		\$1,821.79
LEVIN, IDA	2012	24	2,530.79	56.41%	1,427.62
LEVIN, IDA	2012	24	******	30.4170	
			2,530.79		\$1,427.62
PASTOR, SUSAN	2012	25	218.12	56.41%	123.04

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

Employee Na	me		Fiscal <u>Year</u>		ay riod_	 Payroll Costs	Ind. Rate (%)	Indirect Costs
PASTOR, SUS	SAN		2012		26	145.41	56.41%	82.03
						363.53		\$205.07
RATLIFF, DEN	IISE		2012	2	25	 55.94	56.41%_	31.56
						55.94		\$31.56
TANAKA, JOA	N		2012	2	26	134.05	56.41%_	75.62
		-				134.05		\$75.62
WALTERS, LA	VETTA		2012	2	26	 14.85	56.41%_	8.38
- -						14.85		\$8.38
Total Fisc	al Year 2012 Payro	oll Dire	ct Costs:			8,597.72		\$4,849.99
			OTHER	DIR	ECT COSTS			
Contract, IAG, SCA, Misc.NO	Voucher Number		Treasury Schedule Date		Site Amount	nnual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
EPW11024	427993		09/28/2012	2	305.45	 0.00	56.41%_	172.30
					305.45	0.00		\$172.30
V98568704	311334820C		08/16/2012	2	313.85	0.00	56.41%	177.04
			09/03/2012		369.29	0.00	56.41%	208.32
			09/26/2012	2	95.14	0.00	56.41%	53.67

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher <u>Number</u>	Treasury Schedule <u>Date</u>	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
V98568704	311334820C	09/27/2012	34.20	0.00	56.41%	19.29
		-	812.48	0.00	dissilant	\$458.32
Total Fi	iscal Year 2012 Othe	1,117.93	0.00		\$630.62	
	Total Fiscal Y	ear 2012:	9,7	15.65	_	\$5,480.61

Employee Name	Fiscal <u>Year</u>	Pay <u>Period</u>	Payroll Costs	Ind. Rate (%)	Indirect Costs
BARNES, SHEILA	2013	01	24.61	56.41%	13.88
		02	98.59	56.41%	55.61
		03	197.21	56.41%	111.25
		04	24.63	56.41%	13.89
		05	12.32	56.41%	6.95
		12	24.69	56.41%	13.93
			382.05	-	\$215.51
ESTES, SHERRY	2013	01	170.90	56.41%	96.40
		02	297.70	56.41%	167.93
		03	42.52	56.41%	23.99
		04	448.32	56.41%	252.90
		05	101.70	56.41%	57.37
		06	20.33	56.41%	11.47
		80	42.59	56.41%	24.03
		09	42.65	56.41%	24.06
		11	234.52	56.41%	132.29
		12	21.32	56.41%	12.03
		15	21.85	56.41%	12.33
·		16	131.09	56.41%	73.95
		18	21.44	56.41%	12.09

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

Employee Name	Fiscal Year	Pay Period	Payroll Costs	Ind. Rate (%)	Indirect Costs
ESTES, SHERRY	2013	19	21.04	56.41%	11.87
			1,617.97	_	\$912.71
FREY, REBECCA	2013	01	19.75	56.41%	11.14
		06	38.26	56.41%_	21.58
			58.01		\$32.72
HAILE, LINDA	2013	02	48.53	56.41%	27.38
		03	16.18	56.41%	9.13
		04	32.34	56.41%_	18.24
			97.05		\$54.75
HANSEN, SCOTT	2013	01	106.75	56.41%	60.22
		02	284.39	56.41%	160.42
		03	568.76	56.41%	320.84
.		04	177.74	56.41%	100.26
		05	106.65	56.41%	60.16
		06	533.22	56.41%	300.79
		07	284.38	56.41%	160.42
		08	213.29	56.41%	120.32
		09	445.16	56.41%	251.11
		10	106.84	56.41%	60.27
		11	106.84	56.41%	60.27
		12	35.61	56.41%	20.09
		13	35.61	56.41%	20.09
		14	71.23	56.41%	40.18
		16	262.21	56.41%	147.91
		17	106.84	56.41%	60.27
			3,445.52		\$1,943.62

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

Employee Na	me	Fiscal Year	Pay Period_	Payroll <u>Costs</u>	Ind. Rate (%)	Indirect Costs
JEFFRIESHAR	RWELL, PATRICIA	2013	.06	36.86	56.41%	20.79
				36.86	_	\$20.79
LEVIN, IDA		2013	09	671.82	56.41%_	378.97
				671.82		\$378.97
PASTOR, SUS	AN	2013	02	72.71	56.41%_	41.02
				72.71		\$41.02
ROBERMAN, A	ALIDA	2013	02	138.35	56.41%	78.04
			11	901.01	56.41%	508.26
			16	1,428.92	56.41%	806.05
				2,468.28		\$1,392.35
WALTERS, LA	VETTA	2013	04	14.83	56.41%	8.37
				14.83		\$8.37
Total Fisc	al Year 2013 Payroll Dire	ect Costs:		8,865.10		\$5,000.81
		OTHER DI	RECT COSTS			
Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
B3BK0001065	1446064	11/05/2012	92.50	0.00	56.41%	52.18
			92.50	0.00		\$52.18
EPW11024	436363	11/15/2012	661.61	0.00	56.41%	373.21
	1	12/07/2012	355.98	0.00	56.41%	200.81
	7	06/12/2013	57.64	0.00	56.41%	32.51

SKINNER LANDFILL, OH, OH SITE ID = 05 73 COSTS FROM AUGUST 1. 2012 THROUGH JULY 31, 2013

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc.NO	Voucher <u>Number</u>	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
EPW11024	8	06/14/2013	172.92	0.00	56.41%	97.54
		-	1,248.15	0.00	_	\$704.07
V98568704	311334820C	11/30/2012	160.27	0.00	56.41%	90.41
		07/03/2013	10.29	0.00	56.41%	5.80
			170.56	0.00		\$96.21
Total Fis	scal Year 2013 Othe	r Direct Costs:	1,511.21	0.00		\$852.46
	Total Fiscal Y	ear 2013:	10,3	76.31		\$5,853.27
Total EPA Indir	ect Costs				=	\$11,333.88

EXHIBIT B

Waterford Business Premier Money Market

Printed by: Julie Bartnik

WATERFORD BANK, N.A.

1/10/2014 2:32:33 PM

Reporting Institution: 27

[5] Business MM

Demand Deposit 99245 - Shumaker, Loop & Kendrick LLP

	Relationship	Date of	Phone Number	Tax Identification
	_	Birth		
Shumaker, Loop & Kendrick LLP	⟨ ⟨ ⟩ ⟩ Owner		******	EIN **-*****
FBO Oxy USA Inc	Owner		*******	FIN **-*****
•	W Owner			CIIA
🚯 1000 Jackson St.				

Toledo OH 43604-5573

Additional Relationships Tax Name: FBO Oxy USA Inc See Mailing Information

Summary

Memo Ledger Balance:	\$31,425.84	Date Opened:	Jan 10, 2014
Memo Available Balance:	\$0.00		
Current Ledger Balance:	\$0.00		
Current Available Balance:	\$0,00		
Interest Balance:	\$0.00		
Current Statement Rate:	0.0000%		
Overdraft Limit:	\$0.00		
ATM/POS Overdraft Balance:	\$0.00		

Memo Balances

Memo Ledger Balance:	\$31,425.84		
Plus Presentments:	\$31,425.84	Memo Available Balance:	\$0.00
Current Ledger Balance:	\$0.00	Current Available Balance:	\$0.00
ricino palaneco			

Projected Float

Projected Date	Available Float	Expiring Holds	Projected Balance
Projected Balances do not include I Jan 11, 2014 Saturday	Presentments		\$0.00
Jan 12, 2014 Sunday			\$0.00
Jan 13, 2014 Monday		•	\$0.00
Jan 14, 2014 Tuesday			\$0.00
Jan 15, 2014 Wednesday			\$0.00
Jan 16, 2014 Thursday			\$0.00

Interest

Days Into This Period:

Rate Adjuster Option:	Rate Adjuster Is Not Expressed as a Percentage
Compounding Code:	Variance Simple
Interest Cycle:	[30] Month-End
Interest Reporting Code:	Reportable
Withholding Code:	No Withholding

Deposit Rate Index:

Service Charge

Date Minimum Balance:	Jan 10, 2014	Service Charge Cycle:	[30] Month-End
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